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January 11, 2024

Via ECF

The Honorable Edgardo Ramos, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, New York, New York 10007

Re: *Neor et al v. Acacia Network, Inc. et al.*
Case No.: 22-cv-04814

Dear Judge Ramos:

This office represents Plaintiffs in the above-referenced matter. This letter is respectfully submitted in accordance with Rule 2(A) of Your Honor's Individual Practice Rules, and pursuant to Your Honor's ruling on the various disputes during the November 16, 2023 conference. During that conference, Your Honor ruled on the parties' discovery dispute, and Plaintiffs' request for leave to move for conditional collective certification.

The disputes before Your Honor at the November 16th conference were, in relevant part: (i) Defendants' outstanding ESI production, (ii) deposition scheduling, and (iii) Defendants' production of class-wide discovery.

ESI and Depositions:

Your Honor ruled that depositions were to be scheduled to take place after Defendants completed their production of ESI. Defendants have completed their production of ESI, but deposition dates for their witnesses are still outstanding. We request therefore that Your Honor compel Defendants to provide January deposition dates for:

- William Brooks;
- Courtney Follweiler;
- Yenya Vazquez;
- Annette Dubose; and
- John Carridice;
- Defendants' corporate representative

Plaintiffs' request that Defendants be compelled to provide the above deposition availability by January 16, 2024.

Class production:

The parties have agreed on a class sampling protocol for 10% of employees for the titles Case Manager, Housing Specialist, Social Worker and Counselor across Defendants' various New York locations. Defendants indicated this production would complete by February 12, 2024.

Plaintiff's 216b motion:

At the conference on November 16, 2023, Your Honor Ordered Plaintiffs to wait to file their motion for conditional collective certification until January 31, 2024. However, due to Defendants' delay, Defendants have now unilaterally informed us that class production will not be complete until February 12, 2024, which is after the January 31, 2024 fact discovery deadline.

Defendants are well aware of the discovery deadline and have been aware that they were required to produce the class discovery prior to January 31, 2024 for months now. Their delay in complying with this Courts' directives to produce the outstanding documents only prejudices Plaintiffs and putative collective members. Plaintiffs should not have to wait to file their motion for conditional collective certification merely because Defendants wants to control the pace of the litigation.

While Plaintiffs are aware that Defendants will request an extension to the fact discovery deadline, Plaintiffs do not join in this request.

* * *

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ C.K. Lee

C.K. Lee, Esq.

cc: all parties via ECF